

BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

REGULAR MEETING AGENDA

DECEMBER 17, 2008

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL_____

PRAYER_____

**APPROVAL OF THE MINUTES OF THE
DECEMBER 3, 2008 REGULAR MEETING**_____

**ITEMS NOT ON THE AGENDA –
SUSPENSION OF THE RULES**_____

**PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA**_____

CHIEF EXECUTIVE’S REPORT_____

SECTION I PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS REGARDING THE AMENDING OF THE FY 08-09 BUDGET TO CREATE BUDGET AUTHORITY FOR THE RECEIPT OF UNANTICIPATED REVENUE FROM THE BUTTE-SILVER BOW HOUSING AUTHORITY. (Communication No. 08-764 being held in Committee of the Whole) Proof of publication

SECTION II PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT PUBLIC COMMENTS ON THE REDEVELOPMENT PROPOSALS RECEIVED FOR THE 400 BLOCK OF E. PARK STREET, LEGALLY DESCRIBED AS LOTS 5 AND 9 OF THE LIZZIE LODGE, M.S. 795, SECTION 18, TOWNSHIP 3 NORTH, RANGE 7 WEST, BUTTE-SILVER BOW, MONTANA (PARCEL NO. 00019.6925) AND LOTS 10 AND 11 OF THE LIZZIE LODGE, M.S. 795, SECTION 18, TOWNSHIP 3 NORTH, RANGE 7 WEST, BUTTE-SILVER BOW, MONTANA (PARCEL NO. 0000711300). (Communication No. 08-784 being held in Committee of the Whole) Proof of publication.

SECTION III

PUBLIC HEARING

FOR THE PURPOSE OF SOLICITING PUBLIC COMMENTS ON REDEVELOPMENT PROPOSALS RECEIVED FOR THE 1100 BLOCK OF CALEDONIA STREET, LEGALLY DESCRIBED AS WEST 14' OF LOT 8, BLOCK 10, OF THE VOLUNTEER ADDITION NO. 1, SARSFIELD LODE, PORTION TO COMPLETE, SECTION 14, TOWNSHIP 3 NORTH, RANGE 8 WEST, BUTTE-SILVER BOW, MONTANA (PARCEL NO. 001277230). (Communication No. 08-785 being held in Committee of the Whole.) Proof of publication.

SECTION IV

PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS REGARDING THE ALLOCATION OF THE 2008 BULLETPROOF VEST GRANT (BVP) FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE. (Communication No. 08-787. Proof of publication

SECTION V

PRESENTATION COMMUNICATION NO. 08-733

John M. Moodry, Weed Department, requesting time on the 12/17/08 agenda to make a presentation with results from our first year's implementation of Ordinance No. 196 in Butte-Silver Bow.

SECTION VI

CONSENT AGENDA

- A.
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

- 1. 08-796 Linda Sajor, Director MIS, requesting authorization for Chief Executive to execute agreement with Black Box Networks.
Recommendation: concur and place on file. (Agreement available at Helen's desk)
- 2. 08-797 Robert A. Macioroski, Director Land Office, requesting County Attorney be directed to prepare a resolution and documentation for transfer of storm sewer easement from Frank Antonoli.
Recommendation: refer to County Attorney for resolution and hold in Committee of the Whole.

3. 08-798 Mary M. McMahon, Clerk and Recorder – Election Administrator requesting public hearing be scheduled for 12/30/08 for the purpose of amending the budget to create budgetary authority within the office of the Clerk and Recorder. **Recommendation: schedule public hearing and hold in Committee of the Whole.**
4. 08-799 Rob A. Macioroski, Director Butte-Silver Bow Land Office, requesting approval to proceed with hiring an appraiser to have the Regina #2636 Mining Claim appraised. **Recommendation: concur and place on file.**
5. 08-800 Paul Babb, Chief Executive, requesting concurrence in the submittal of a joint application for a grant from the International City/County Management Association, a partner with Bill and Melinda Gates Foundation. **Recommendation: authorize Chief Executive's signature and place on file.**
6. 08-801 Ellen Donohue, Attorney Montana Legal Services Association, requesting Council renew the lease on the Jacobs House for six years. **Recommendation: refer to Committee of the Whole pending creation of new lease.**
7. 08-802 John P. Walsh, Sheriff, requesting authorization for Chief Executive to sign the maintenance contract agreement with Motorola Maintenance and Support Agreement No. 002481-000. **Recommendation: concur and place on file.**
8. 08-803 James P. Ryan, requesting notification of intent to retire from the Butte-Silver Bow Fire Department as of December 31, 2008. **Recommendation: note, copy to Personnel Office and place on file.**
9. 08-804 John Bernard Boyle, requesting notification of intent to retire from the Butte-Silver Bow Fire Department effective December 31, 2008. **Recommendation: note, copy to Personnel Office and place on file.**
10. 08-805 Karen Byrnes, Director of Community Development, requesting permission to hold a public hearing 1/7/09 regarding the addition of unanticipated revenue to the 08-09 budget. **Recommendation: schedule public hearing and hold in Committee of the Whole.**
11. 08-806 Karen Byrnes, Director of Community Development, requesting permission to submit an amended grant request to the Montana Department of Commerce Big Sky Economic Development Trust Fund and authorization for Chief Executive to sign application.

Recommendation: concur and place on file.

12. 08-807 Dan Dennehy, Interim Public Works Director, requesting approval of line item budget transfer. **Recommendation: refer to Finance and Budget Committee.**
13. 08-808 Karen Byrnes, Director Community Development Department, requesting authorization for Chief Executive to enter into Homeowner deferred repayment assistance agreement and the Housing Rehabilitation Lien Agreement. **Recommendation: Concur and place on file.**
14. 08-809 Karen Byrnes, Director of Community Development, requesting authorization for Chief Executive to sign contract with Lifetime Roofs and Custom Remodeling for work at 812 S. Main St. **Recommendation: concur and place on file.**
15. 08-810 Bill Melvin, Butte Civic Center Manager, requesting authorization for Chief Executive to enter into contract with R & R Electric, Inc. for Civic Center lighting retrofit. **Recommendation: concur and place on file.**
16. 08-811 Dan Dennehy, Interim Public Works Director, requesting time on 12/30/08 for the purpose of opening bids for water distribution products associated with the replacement of the Big Hole transmission pipeline. **Recommendation: schedule bid opening and hold in Committee of the Whole.**
17. 08-812 Dan Dennehy, Interim Public Works Director, requesting time on 1/7/09 agenda to conduct a bid opening for one (1) new 2008-2009 tandem axle dump truck for the Water Division. **Recommendation: schedule bid opening and hold in Committee of the Whole.**
18. 08-813 Kristen Rosa, TIFID Administrator, requesting authorization for Chief Executive to sign the Form 602, Notice of Completion of Groundwater Development for Well at Site Of SeaCast Facility. **Recommendation: concur and place on file.**
19. 08-815 Cindy McIlveen, Planning Specialist, requesting authorization for Chief Executive to enter into contract with National Resource Damage Program for a grant to develop a children's fishing pond in Butte. **Recommendation: concur and place on file.**
20. 08-816 Rick Larson, Director of Public Health, requesting authorization

for Chief Executive to sign various contracts with private entities.

Recommendation: concur and place on file.

21. 08-819 Paul Babb, Chief Executive, requesting concurrence in appointment of Jim McGree to Anaconda/ARCO Loan Committee.

Recommendation: concur and place on file.

22. 08-820 Dave Palmer, Chair Elect Council of Commissioners, regarding recommendation of the Committee on Committees for the years 2009-2010. **Recommendation: concur and place on file.**

SECTION VII COMMUNICATIONS TO BE READ AND ACTED UPON

1. 08-814 Brad Johnson, Secretary of State, requesting Council choose nominee to fill two vacancies because of the death of Representative Groesbeck for current term in House District 74 and Representative-elect in House District 774 commencing 1/5/09.
2. 08-817 Dick Nicholls, 1209 W. Silver, requesting time on the agenda to seek council approval for demolition of 1207 W. Silver Street.
3. 08-818 Chuck Carrig, Butte-Silver Bow Historick Preservation Officer, requesting time on the agenda to present rational for Historic Preservation Commission's denial of the demolition permit for 1207 W. Silver Street.

SECTION VIII ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 08-100

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING THAT PORTION OF THE ALLEY WITHIN BLOCK 1 OF THE TRASK ADDITION WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN.

2. COUNCIL RESOLUTION NO. 08-101

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE

TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT
DEPARTMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE
TO THE CITY AND COUNTY OF BUTTE-SILVER BOW TO BE EXPENDED
ON BULLETPROOF VESTS FOR LAW ENFORCEMENT OFFICERS AND
PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION IX CALENDAR OF OTHER MEETING AND EVENTS

Dec. 24	LEPC	Noon	1 st Floor Conference Room
Dec. 24	Port of Montana	Noon	Hub Center
Dec. 24	TIFID	11:30 AM	Business Development Center
Jan. 5	Airport Authority	Noon	Bert Mooney Airport
Jan. 6	Weed Board	7PM	Weed Board
Jan. 6	Historic Preservation Commission	5:30 PM	1 st Floor Conference Room
Jan. 7	Fire Advisory Council	5PM	1 st Floor Conference Room
Jan. 7	Health Department	7AM	Health Department
Jan. 7	Butte Aids Support Center	7PM	Community Center
Jan. 8	Civic Center	5PM	Civic Center Hospitality Room

ADJOURN _____

**COMMITTEE OF THE WHOLE MEETING REPORT
DECEMBER 10, 2008**

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Gentlemen and Ms. Shaw:

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION I

COMMUNICATION NO. 08-722

Charlie O’Leary, Chairman Council of Commissioners, requesting examination of ownership documents for the Storm Lake Dam Site. *Committee recommends that Communication No. 08-722 be held in abeyance.*

SECTION II **COMMUNICATION NO. 08-274**

Jon Sesso, Planning Director, requesting time on the 4/16/08 agenda for a staff presentation on Draft Plan for Long-Term Future of the Natural Resource Damage Program. *Committee recommends to have staff rework our present position in the form of a letter to have council Chairman sign and hold in abeyance.*

SECTION III

Bob Rowling, Parks and Recreation Director, requesting concurrence in renewing contract with John DeWitt as Manager of Highland View Golf Course Club House and requesting County Attorney to draw up new contract. ***Committee recommends that Communication No. 08-732 be placed on file.***

SECTION IV

COMMUNICATION NO. 08-733

Mollie A. Maffei, Deputy County Attorney, requesting concurrence in purchase of Parcel #1903255 in settlement of lawsuit with the James Company and recommending Parks Department remove playground equipment as part of Citify-County's Open Space Plan. ***Committee recommends that Communication No. 08-733 be held in abeyance.***

SECTION V **COMMUNICATION NO. 08-739**

Brad Johnson, Secretary of State, regarding resignation of Representative Jim Keane, District 75 and requesting council meet to choose new representative. *Committee recommends that Communication No. 08-739 be placed on file.*

SECTION VI**COMMUNICATION NO. 08-764**

John Walsh, Sheriff, requesting time on 12/17/08 agenda to conduct a public hearing for unanticipated revenue from the Housing Authority. *Committee recommends that Communication No. 08-764 be held for Public Hearing 12/17/08*

SECTION VII**COMMUNICATION NO. 08-769**

Liz Smith, Chairperson in Montana Sled Dog, Inc. Event scheduled for 2/12/08. *Committee recommends that Communication No. 08-769 be held in abeyance.*

SECTION VIII**COMMUNICATION NO. 08-771**

Stephen D. Hess, Assistant Planning Director, recommending the Council adopt Resolution No. 08-96 approving Growth Policy Amendment No. 27. *Committee recommends that Communication No. 08-771 be cross-referenced with Council Resolution No. 08-96 and placed on file.*

SECTION IX**COMMUNICATION NO. 08-773**

John M. Moodry, Weed Department, requesting time on 12/17/08 agenda to make a presentation with results from our first year's implementation of Ordinance No. 196 in Butte-Silver Bow. *Committee recommends that Communication No. 08-773 be held for presentation 12/17/08.*

SECTION X**COMMUNICATION NO. 08-778**

Chuck Carrig, Historic Preservation Officer, requesting approval of Montana Preservation Alliance Grant Contract and authorize Chief Executive to sign the contract. *Committee recommends that Communication No. 08-778 be placed on file*

SECTION XI**COMMUNICATION NO. 08-784**

Robert A. Macioroski, Land Sales Office Director, requesting public hearing for 12/17/08 for 400 Block E. Park Street legally described as Lots 5 and 9 of the Lizzie Lode M.S. 705, Section 18, Township 3 North, Range 7 West and Lots 10 and 11 of the Lizzie Lode, M.S. 795, Section 18, Township 3 North, Range 7 W. *Communication No. 08-784 be held for public hearing 12/17/08.*

SECTION XII**COMMUNICATION NO. 08-785**

Robert A. Macioroski, Land Sales Office Director, requesting a public hearing for 12/17/08 for 1100 block of Caledonia Street legally described as W14' of Lot 8,

Lots 9-13, Block 10 of the Volunteer Addition No. 1, Sarsfield Lode, to complete Section 14, Township 3 North, Range 8 West. *Committee recommends that Communication No. 08-785 be held for public hearing 12/17/08.*

SECTION XIII COMMUNICATION NO. 08-787

Karen Byrnes, Director Community Development Department, requesting council schedule a public hearing for 12/17/08 to receive comment on the 2008 Bulletproof Vest Grant Funds. *Committee recommends that Communication No. 08-787 be held for public hearing 12/17/08.*

SECTION XIV COMMUNICATION NO. 08-790

Alex Philp, Rocky Mountain Supercomputing Center, Inc., requesting approval of funding request of \$380,000.00. *Committee recommends that Communication No. 08-790 be held in abeyance.*

SECTION XV COMMUNICATION NO. 08-791

Rob Macioroski, Director Land Office, requesting Council direct County Attorney to prepare a resolution and deed for transfer of County-owned property to Killgore Development, LLC. *Committee recommends that Communication No. 08-791 be held for resolution.*

SECTION XVI COMMUNICATION NO. 08-793

Charlie O'Leary, Commissioner District 5, requesting health issues of discarded railroad ties along railroad tracts to Industrial Park. *Committee recommends that Communication No. 08-973 be placed in Suspense File until August 2009.*

SECTION XVII COMMUNICATION NO. 08-794

Judy Krukzich, Chairperson Butte-Silver Bow Animal Shelter Board, requesting Council help in the disbursement of Samie Keith Estate to the Butte-Silver Bow Humane Society. *Committee recommends that Communication No. 08-794 be held in abeyance.*

JUDICIARY COMMITTEE MEETING REPORT

DECEMBER 10, 2008

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Gentlemen and Ms. Shaw:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I

COUNCIL BILL NO. 08-9
ORDINANCE NO. 08

AN ORDINANCE AMENDING SECTION 2 OF BUTTE-SILVER BOW ORDINANCE NO. 134 AND SECTION 2.04.0109 (c) OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC): ADJUSTING THE ANNUAL SALARY OF THE SHERIFF AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 08-9, Ordinance No. 08___ be placed on second reading.*

SECTION II **COMMUNICATION NO. 08-690**

Arthur “Tudo” Stagnoli, requesting permission to lift the 4-year limit on selling property purchased under adjacent landowner policy. ***Committee recommends that Communication No. 08-690 be approved lifting the 5-year limit for this request.***

SECTION III

COMMUNICATION NO. 08-707

Barb Skelton, requesting authorization for Chief Executive to sign resolution calling for an improved National Energy Policy for the 21st Century. *Committee recommends that Communication No. 08-707 be held in abeyance.*

SECTION IV CLAIM APPROVAL

4365	Colleen Partelow	\$400.00	Demo Bond refunds
4343	Frank Hall	2,000.00	Demo Bond Refund
4652	Marvin Cline	1,000.00	Street opening bond refund
4874	Robert Martinez	1,000.00	Street opening bond refund

Committee approves payment of above claims.

PUBLIC WORKS COMMITTEE MEETING 6:30 PM COURTHOUSE COUNCIL CHAMBERS

SECTION I

PETITION NO. 08-9

John Harrington, Building Official, requesting on behalf of 4S LLC to close and vacate a portion of the alley within Block 1 of the Trask Addition. *Committee recommends that Petition No. 08-9 be held in abeyance.*

SECTION II

PETITION NO. 08-13

John Harrington, Building Official, on behalf of Galena Street, LLC to close and vacate an undeveloped portion of East Galena Street and the alley between Ohio and Oklahoma Streets in Block 3, Yellow Jack Lode. *Committee recommends that Petition No. 08-13 be held in abeyance.*

SECTION III

COMMUNICATION NO. 08-147

Wally Frasz, Commissioner District #6, requesting a traffic study be done where Rowe Road turns into Holmes Avenue and also the intersection of Lexington and Rowe Road. *Committee recommends that letters from Lee Alt of the Department of Transportation studies be sent to Dan Dennehy, Public Works Director and Commissioner Wally Frasz, Commissioner District 6 and hold in abeyance.*

SECTION IV

COMMUNICATION NO. 08-634

Tony Schoonen, Chairman Homeowners Association, requesting council designate the Dawson Loop Road as a public right of way. *Committee recommends that Mr. Schoonen is going to have his attorney look into this situation as far as Montana Code goes and report back to Butte-Silver Bow and hold in abeyance.*

SECTION V

COMMUNICATION NO. 08-738

Greg and Brenda Ebner, requesting Beef Trail Road and Little Basin Creek Road be striped and revised for better visibility and also speed limit signage be posted on both roads. *Committee recommends that Land Department is working on an appraisal of mining claim.*

SECTION VI COMMUNICATION NO. 08-747

Cindy Shaw, Commissioner District 11, requesting review of traffic concerns – Caledonia Street to Western Street. *Committee recommends that Communication No. 08-747 be held in abeyance.*

**PERSONNEL COMMITTEE MEETING
5:45 PM COURTHOUSE COUNCIL CHAMBERS**

SECTION I

COMMUNICATION NO. 08-107

William P. Joyce, Attorney at Law, requesting that council take action to ensure that the benefits of 3 captains in the Sheriff's Department be maintained by passing a resolution. *Committee passed a motion regarding County Attorney (or independent counsel) prepare a resolution memorializing benefits of captain positions in Butte-Silver Bow LED receive the same benefits as provided in collective bargaining agreement with Butte Police Protective Association. Recommend approval of personnel policies from Butte-Silver Bow LED by Council of Commissioners and coordinate with Butte-Silver Bow Personnel Office and return resolution to Personnel Committee before approval by Judiciary and place on file.*

